REMARKS

Please reconsider the application in view of the above amendments and the following remarks. Applicant thanks the Examiner for carefully considering this application.

Disposition of Claims

Claims 1-15 are pending in this application. Claims 1, 9, and 11 are independent. The remaining claims depend, directly or indirectly from claims 1, 9, and 11.

Objections

The Examiner objects to claims 1, 6, and 9-12 for reciting "receiver/decoder" rather than "receiver or decoder." The claims are amended in accordance with the Examiner's suggestions. Accordingly, withdrawal of this objection is respectfully requested.

Rejections under 35 U.S.C. § 102

Claims 1-15 are rejected under 35 U.S.C. § 102(e) as being anticipated by US Publication No. 2003/0105812 ("Flowers"). To the extent that this rejection may still apply to the amended claims, this rejection is respectfully traversed.

Turning to the rejection, "[a] claim is anticipated only if *each and every element* as set forth in the claims is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631 (Fed. Cir. 1987) (emphasis added). Further, "[t]he identical invention must be shown in as complete detail as is contained in the claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236 (Fed. Cir. 1989). Applicants assert that Flowers fails to disclose each and every element of the claims.

Specifically, Flowers is related to solving the problem of how to establish P2P (peer-to-peer) connections between two devices separated by a firewall. Flowers does not disclose that a determined message for a specific peer device is sent from the web server to the peer-to-peer communication system. Rather, the cited portion of Flowers only discloses session set-up messages that are transmitted from one peer device to another peer device (*See* Flowers, paragraph [0030]). Further, Flowers fails to disclose that the message includes access rights for a subscriber to *receive data from the digital broadcast multimedia network*, as required by the independent claims. In fact, Flowers is completely silent with respect to access rights of any type. Moreover, there is no need to send any access rights in the network of Flowers because a bypassing a firewall does not require access rights related to a subscription to a broadcast multimedia network.

Applicants have amended the claims to recite that the multimedia network is a *broadcast* multimedia network. As is well-known to those skilled in the art, a broadcast network is, by definition, a one way communication from a broadcaster to a plurality of receivers associated with subscribers to broadcast programming. The claimed invention uses a second network (*i.e.,* the point to point communications system) to pass messages related to the first network (*i.e.,* the broadcast multimedia network). Applicants respectfully assert that Flowers fails to contemplate such a set up for peer-to-peer communication. The claimed digital broadcast multimedia network is completely distinct from the Internet, which is the only type of network disclosed in Flowers. "[U]nless a reference discloses within the four corners of the document not only all of the limitations claimed but also all of the limitations arranged or combined in the same way as recited in the claim, it cannot be said to prove prior invention of the thing claimed, and, thus, cannot anticipate under 35 U.S.C. § 102." *Net MoneyIN, Inc. v. VeriSign, Inc.*, 2008 WL

4614511 (Fed. Cir. 2008). Thus, even assuming *arguendo* that the Examiner establishes that Flowers discloses two distinct networks, Flowers does not use a second network (a point-to-point communication system) to pass messages in a digital *broadcast* multimedia network, and thus, is not arranged in the same manner as the claimed invention. Accordingly, in view of *Net MoneyIN*, Flowers fails to anticipate each and every limitation of the independent claims.

In view of the above, it is clear that amended independent claims 1, 9, and 11 are patentable over Flowers. Pending dependent claims are patentable for at least the same reasons. Accordingly, withdrawal of this rejection is respectfully requested.

Conclusion

Applicant believes this reply is fully responsive to all outstanding issues and places this application in condition for allowance. If this belief is incorrect, or other issues arise, the Examiner is encouraged to contact the undersigned or his associates at the telephone number listed below. Please apply any charges not covered, or any credits, to Deposit Account 50-0591 (Reference Number 17250/008001).

Dated: December 2, 2008   Respectfully submitted,

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